

Appln No. 10/706,024
Amdt date September 6, 2006
Reply to Office action of June 9, 2006

REMARKS/ARGUMENTS

Claims 1-9 remain pending in this application. Applicant has amended claim 1 and has also amended claim 2 solely to correct a minor, inadvertent typographical error. The amendments find full support in the original specification, claims and drawings. No new matter is presented. Applicant submits that all of pending claims 1-9 are in condition for allowance and therefore respectfully requests reconsideration and a timely indication of allowance.

In the Office action dated June 9, 2006, the Examiner objected to the specification for certain informalities. Applicant has amended the specification in line with the Examiner's suggestions and therefore requests withdrawal of this objection.

The Examiner also rejected claims 1-9 under 35 U.S.C. § 112, second paragraph as allegedly indefinite. In so rejecting, the Examiner asserts that the terms "at least one lumen" and "the lumen" in claim 1 render that claim indefinite. However, Applicant has amended claim 1 to recite "at least one lumen" and "the at least one lumen," and therefore requests withdrawal of this rejection.

In addition, the Examiner asserts that the phrase "the portion of the electrode lead wire" in claim 1 lacks proper antecedent basis. However, Applicant has amended claim 1 to provide the proper antecedent basis for this limitation. Accordingly, Applicant requests withdrawal of this rejection.

The Examiner also asserts that the terms "its diameter" and "the diameter" in claim render the claim indefinite because it is unclear whether the diameter is the inner or outer diameter. Applicant has amended claim 1 to recite the outer diameter, and therefore requests withdrawal of this rejection.

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Additionally, the Examiner asserts that the term "about" in claim 1 is indefinite. Applicant respectfully disagrees. Use of the term "about" in claim 1 indicates that the outer diameter of the swaged ring electrode does not have to be precisely the same as the diameter of the shaft of the catheter tip. Mathematical precision in the claims is not required, and use of terms like "about" can be used in claims to avoid strict numerical boundaries. *See Seattle Box Co. v. Indus. Crating & Packing, Inc.*, 221 U.S.P.Q. 568 (Fed. Cir. 1984); *Ecolab Inc. v. Envirochem, Inc.*, 60 U.S.P.Q.2d 1173 (Fed. Cir. 2001); *BJ Services Co. v. Halliburton Energy Services, Inc.*, 67 U.S.P.Q.2d 1692 (Fed. Cir. 2003). Accordingly, Applicant respectfully requests withdrawal of this rejection.

The Examiner also rejected claims 1-9 either under 35 U.S.C. § 102(b) as allegedly anticipated by Griffin, III (U.S. Patent No. 6,144,870)("Griffin") with evidence from Davies, et al., "The Rate Dependence of Confor Polyurethane Foams," Cellular Polymers, vol. 18, no. 2 (1999) or under 35 U.S.C. § 103(a) as allegedly obvious over Griffin. In so rejecting, the Examiner asserts that Griffin discloses "a ring electrode having a proximal portion which forms a flared skirt," as recited in independent claim 1. Applicant respectfully disagrees. Griffin discloses a metal sleeve or band as the ring electrode, which sleeve or band is threaded onto the catheter body and then crimped at its proximal end to facilitate gripping of the catheter body. See Column 4, line 61 through column 5, line 6. However, the ring electrode does not include "a proximal portion which forms a flared skirt," as recited in claim 1. Accordingly, independent claim 1, and all claims dependent therefrom, including claims 1-9, are allowable over Griffin and Davies.

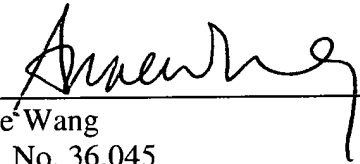
Moreover, the Examiner asserts that Griffin discloses that the skirt is flared radially outwardly at an angle of about 4 to about 8 degrees, as disclosed in claims 5 and 6. However, Griffin nowhere teaches or suggests the use of a ring electrode having a proximal portion which forms a flared skirt, as discussed above. Accordingly, Griffin also fails to teach or suggest that the skirt is flared at any particular angle, as recited in claims 5 and 7.

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In view of the above amendments and remarks, Applicant submits that all of pending claims 1-9 are in condition for allowance. Applicant therefore respectfully requests a timely indication of allowance. However, if there are any remaining issues that can be addressed by telephone, Applicant invites the Examiner to contact Applicant's counsel at the number below.

Respectfully submitted,

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